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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,044	08/29/2001	Sidney Wang	80398.P445	8469

7590 04/06/2004

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EXAMINER

LEE, MICHAEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,044

Applicant(s)

WANG ET AL.

Examiner

M. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Jutzi et al (US 2001/0003715 A1).

Regarding claim 1, Jutzi discloses a gaming application utilizing actual telemetry data showing a video gaming console 102 for providing a simulated sport event, such as a car race event (paragraph 0017), which meets the step for receiving data to create a synthetic scene as claimed, a transport medium 104 for communicating telemetry data of an actual car race event to the gaming console 102 (paragraph 0016), which meets the step for receiving data reflective of at least one real dynamic object as claimed, and the gaming console for generating a virtual camera that follows a simulated car going around a track in accordance with the telemetry data (paragraphs 0018 and 0019), which meets the step for generating a synthetic scene as claimed.

Regarding claim 2, Jutzi shows a virtual car is superimposed on a real time image generated from audio-visual stream 116 to render a virtual driven game (paragraph 0020).

Regarding claim 3, Jutzi discloses a virtual camera (paragraph 0018), which meets the step of specifying a synthetic camera as claimed.

Regarding claim 4, Jutzi shows a synthetic camera is controlled by the telemetry data, which can provide the position of a racecar or different angles of view of the racecar (paragraphs 0018 and 0021).

Regarding claim 5, the virtual cars in Jutzi reflect the motions of the real cars.

Regarding claim 6, Jutzi simulates a sport event environment (paragraph 0019).

Regarding claim 7, see paragraph 0020.

Regarding claim 8, Jutzi synthetic camera can be either the actual camera view or synthetic camera view (paragraphs 0014 and 0018).

Regarding claim 9, as aforementioned, Jutzi combines real image as a backdrop with a gaming console rendered virtual car to form a virtual image, which inherently includes the setting step and the combining step as claimed (paragraphs 0018 and 0020). In other words, the video stream 116 captured by a video camera that configured to follow a particular race car must be manipulated to form a synthetic field of view corresponds to the video camera first before combining with the virtual car to form a virtual car moving in a real race track.

Regarding claim 10, see rejection to claim 1.

Regarding claim 11, see rejection to claim 2.

Regarding claim 12, see rejection to claim 3.

Regarding claim 13, see rejection to claim 4.

Regarding claim 14, see rejection to claim 5.

Regarding claim 15, see rejection to claim 6.

Regarding claim 17, see rejection to claim 7.

Regarding claim 18, see rejection to claim 8.

Regarding claim 19, the game console in Jutzi is a signal processor, a general-purpose processor, a set top box, or a video game console (paragraph 0017).

Regarding claim 20, in addition of above, Jutzi further shows that the telemetry data provides the gaming application to map out specified race course, and utilizing the telemetry data to determine the speed, direction, actions, etc., of specific competitors in the race (paragraph 0021), and utilizes the telemetry data as the backdrop of the game, rendering these actual cars as well as the virtual car driven and controlled by the game player (paragraph 0020). All these meets the broadcast server as claimed.

Regarding claim 21, see rejection to claim 1.

Regarding claim 22, see rejection to claim 2,

Regarding claim 23, see rejection to claim 3.

Regarding claim 24, see rejection to claim 4,

Regarding claim 25, telemetry data in Jutzi is constantly updated.

Regarding claim 26, see rejection to claim 9.

Regarding claim 27, see rejection to claim 19.

Regarding claims 28, 29, 30, 31, 32, 33, and 34, see corresponding rejections to claims 20-27.

Regarding claim

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heitzman et al. (4,716,458) shows a computer graphics superimposed on real images.

Kanade et al. (6,151,009) shows a synthetic image and real image combining apparatus.

Kakizawa et al. (5,996,132) shows a video game similar to Jutzi et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



M. Lee
Primary Examiner
Art Unit 2614

April 3, 2004